

Memorandum



Date: (Second Reading 02-20-07)
December 19, 2006
To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 7(A)

From: George W. Burgess
County Manager

Subject: Ordinance Pertaining to Zoning; Amending Section 33-314 of the Code of Miami-Dade County, Florida Pertaining to Direct Applications and Appeals to the County Commission

RECOMMENDATION

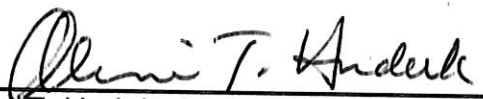
It is recommended that the Board adopt the attached ordinance pertaining to zoning jurisdiction of the Board of County Commissioners for applications by the Director of the Department of Planning and Zoning for single-family and duplex lots owned by Miami-Dade County which have been designated for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of the code.

BACKGROUND

Currently, applications for zoning public hearing filed by the Director of the Department of Planning and Zoning proceed to the Community Zoning Appeals Board (CZAB) having zoning jurisdiction over a parcel of land for which zoning relief is sought. An appeal of a CZAB decision may be filed by the Director to the Board of County Commissioners where it is determined that the decision has an overall impact to Miami-Dade County. It should be noted that only under very rare circumstances does the Director file such applications and/or appeals.

The proposed amendment of this ordinance will allow for a more expeditious processing of zoning applications for the construction of single-family and duplex infill housing lots owned by Miami-Dade County. As much as 90 days can be decreased from the process if the Community Zoning Appeals Board component is omitted. The Director will be able to file zoning applications for properties owned by the County to enable these lots to be utilized under the "Infill Housing Initiative" program as set forth in Article VII, Chapter 17 of this Code.

The proposed ordinance creates no fiscal impact on Miami-Dade County.


Alina T. Hudak, Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7 (A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
02-20-07

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO DIRECT APPLICATIONS AND APPEALS TO THE COUNTY COMMISSION FOR INFILL HOUSING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Charter specifically authorizes, among other things, the Board of County Commissioners to prepare and enforce comprehensive plans for the development of Miami-Dade County in the incorporated and unincorporated areas, to establish, coordinate, and enforce such zoning regulations as are necessary for the protection of the public, and to perform any other acts which are in the common interest of the people of the County; and

WHEREAS, ensuring an adequate supply of affordable infill housing is in the common interest of all residents of Miami-Dade County ,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-314 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 33-314. Direct applications and appeals to the County Commission.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged

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(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

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>>(18) Hear application for and grant or deny Director's applications for single family and duplex lots owned by Miami-Dade County which have been designated for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of this code.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey